

REMARKS

Claims 1–7 are pending in the application. These claims were rejected as follows:

| Claims / Section | 35 U.S.C. Sec. | References / Notes |
|------------------|---------------------------------------|---|
| 1–7 | §112, Second Paragraph Indefiniteness | <ul style="list-style-type: none">Distinctions of claimed operating values and parameters and cooperative structural relationships. |
| 1–7 | §102(e) Anticipation | <ul style="list-style-type: none">Nokita (U.S. Patent No. 6,795,528). |

5 Applicants have amended claim 1 and have also provided discussion for distinguishing the present invention, with claim 1 as amended, from the art cited against it.

Applicants have further added new claims 8 and 9 for consideration by the Examiner. Support for the claim language can be found in Figures 2 and 3 and
10 appertaining portions of the Specification.

Applicants' use of reference characters below is for illustrative purposes only and is not intended to be limiting in nature unless explicitly indicated.

35 U.S.C. §112, SECOND PARAGRAPH, CLAIMS 1–7 INDEFINITENESS

1. Claim 1 has been amended so that the structural cooperative
15 *relationships are clear.*

In the OA, on p. 2 under numbered paragraph 3, the Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph, as omitting essential structural cooperative relationships of the elements that amount to a gap between the

necessary structural connections. The Examiner noted that the omitted structural cooperative relationships are between the “operating values” in line 2 and the “operating values” in line 4, as well as between the “parameters” in line 2 and the “parameters” in line 4.

5 In response, claim 1 has been amended to provide the necessary cooperating structural relationships. The first element relates to the selection key that it is for activating preset operating values and associated parameters. The second element relates to the setting key for manually setting one or more of the operating values and the parameter values. This clarifying language and
10 provision of proper antecedent basis clearly indicates the structural cooperative relationships as required under MPEP §2172.01. In the event this language does not satisfy the Examiner’s basis for rejection, the Examiner is invited to suggestion possible language or contact the undersigned representative of the Applicants.

15 Furthermore, the amended language distinguishes between a parameter and its actual value. For example, a parameter might be identified as “TUBE VOLTAGE”, whereas its parameter value might be identified as 72kV. The “preset operating values and parameter values” are generally going to differ from the “manually set operating values and parameter values”. As can be found in
20 paragraph 0032 of the Specification, the application can be started from preset or default values, and then one or more of the parameters can be adjusted manually. Although a value may be manually set to be equal to a preset value, such a setting would be simply incidental.

Based on the above amendment, Applicants assert that the amended claim 1 contains definite language and respectfully request that the Examiner withdraw the 35 U.S.C. §112 rejection from the application.

35 U.S.C. §102(e), CLAIMS 1–7 ANTICIPATION BY NOKITA

5 2. *Claim 1 has been amended to require that the operating device simultaneously displays the display element and the selection key, simultaneously displays the display element and the setting key, but only one of the selection key and the setting key along with the display element at any one time. Nokita fails to teach or suggest claim 1 as amended.*

10 In the OA, on pp. 3–4, the Examiner rejected claims 1–7 as being anticipated by Nokita. The Examiner stated:

15 Regarding claim 1, Nokita discloses an operating device [Fig. 1; 220] for a diagnostic imaging unit [Fig. 1; 140] (see Column 3, Line 50 - Column 4, Line 53), comprising: a selection key [Figs. 8AB; 840] for activating preset operating values and parameters [Figs. 8AB; 835] of the imaging unit; a setting key [Fig. 8C; up and down buttons] for manually setting operating values and parameters [Fig. 8C; tube
20 voltage, tube current, exposure time, focal length] of the imaging unit; and a display element [i.e., liquid crystal display] for displaying set or preset operating values and parameters of the imaging unit; the operating device being configured to simultaneously
25 display the display element and only one of the selection key and the setting key (see Figs. 8ABC; Column 10, Line 3 - Column 11, Line 9).

Applicants have amended claim 1 to require that the operating device simultaneously displays the display element and the selection key,
30 simultaneously displays the display element and the setting key, but only one of the selection key and the setting key along with the display element at any one

time. Applicants have further amended claim 1 to indicate that the “display element” is an element that is displayed, as opposed to an element that is used for displaying—this distinction is captured by the language “a text or graphic” added that precedes the display element, and distinguishes the claimed display
5 element from an LCD screen.

Thus, with the amended claim language, while Figures 8A and 8B of Nokia disclose a simultaneous display on an LCD of an imaging method object 840 (which the Examiner reads on the selection key) and parameter values 835, and Figure 8C of Nokia discloses a simultaneous display on the LCD of arrow
10 adjustment keys (which the Examiner reads on the setting key), with parameter values, the display of Nokia does not meet the last claimed element, namely, that the simultaneous display includes the display element and only one of the selection key and setting key. The display of Nokia displays both.

Furthermore, to the extent that the overlaying window in Nokia’s Figure 8C
15 were to be designed to cover the entire display area, then the limitation relating to

Furthermore, to the extent that the overlying window in Nokia’s Figure 8C were to be designed to cover the entire display area (even though this is not disclosed by Nokia), then the limitation relating to the display element would not be met, as the portion of the display illustrating parameter values in the new
20 overlay window are not the display element of Figures 8A and 8B, which would be covered by such an overlying window.

For these reasons, the Applicant asserts that the amended claim language clearly distinguishes over the prior art, and respectfully request that the Examiner withdraw the §102 rejection from the present application.

CONCLUSION

5 Inasmuch as each of the objections have been overcome by the amendments, and all of the Examiner's suggestions and requirements have been satisfied, it is respectfully requested that the present application be reconsidered, the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

10 Any shortages of fees due may be charged to, and any overpayments may be credited to, deposit account no. 50-1519.

Respectfully submitted,

15 /Mark Bergner/ (Reg. No. 45,877)
Mark Bergner
SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 Sears Tower
20 Chicago, Illinois 60606-6473
(312) 258-5779
Attorney for Applicants
Customer Number 26574